

**BARBERING AND COSMETOLOGY EXAMINING BOARD  
MINUTES  
December 1, 2003**

**PRESENT:** Barbara Flaherty, Laura Jenkins, Leon Lauer, Lee Martinez, Denise Svetly, Bruce Bennett, Janice Boeck, Mary Blake and Marvile Martin

**STAFF PRESENT:** Jerry Lowrie, Bureau Director, John Schweitzer, Legal Counsel, Pat Schenck, Program Assistant, Judy Mender, Jan Bobholz Credentialing, Barbara Showers, Darwin Tichenor, Exam Center and Division of Enforcement Staff.

**GUESTS:** Julie Brolin, K. Koraler, Mary Lou Richter, and Ben from Cost Cutters, Barbara Schuler, WI Technical College System and Students from Waukesha Technical College.

**CALL TO ORDER**

Leon Lauer, Chair, called the meeting to order at 9:35 a.m. A quorum of eight members was present.

**AGENDA**

**Additions:**

- Item 19 c. iii. Add Proposed Stipulation 02 BAC 124 Thanh Nguyen d/b/a Golden Nails

**MOTION:** Bruce Bennett moved, seconded by Janice Boeck, to approve the agenda with addition. Motion carried unanimously.

**MINUTES OF OCTOBER 6, 2003**

**MOTION:** Denise Svetly moved, seconded by Marvile Martin, to approve the minutes of October 6, 2003 as written. Motion carried unanimously.

Leon Lauer, Chair welcomed the students from Waukesha Technical College. Mr. Lauer thanked Pat Schenck for the wonderful job she did in copying and mailing the agenda packets to the Board members.

**ADMINISTRATIVE REPORT  
JERRY LOWRIE, BUREAU DIRECTOR**

Mr. Lowrie welcomed the visitors and students from Waukesha Technical College and thanked them for their interest in attending the Board meeting. Mr. Lowrie introduced Mary Blake as the new Board member replacing Barbara Flaherty on the Board and thanked Barbara Flaherty for her contributions, sacrifices and input as a member of the Board. Leon Lauer, Chair, thanked Barbara Flaherty on behalf of the Board and felt privileged to call her both a colleague and a friend.

**MOTION:** Denise Svetly moved, seconded by Bruce Bennett, to nominate Laura Jenkins for Vice Chair of the Barbering and Cosmetology Examining Board. Motion carried unanimously.

**MOTION:** Bruce Bennett moved, seconded by Marvile Martin, to nominate Janice Boeck for Secretary of the Barbering and Cosmetology Examining Board. Lee Martinez abstained. Motion carried.

Secretary Donsia Strong Hill met with the Board to report that she will be establishing an Advisory Committee on Curriculum to look at curriculum issues. This Committee will include practitioners who are qualified on issues of curriculum. Secretary Strong Hill asked Leon Lauer if he would accept the appointment of Chair of the Advisory Committee on Curriculum. Secretary Strong Hill reported that students will be invited to participate in these meetings starting in January, 2004.

**BOARD ROSTER**

Noted.

**2004 MEETING DATES**

Noted.

**TO-DO-LIST**

Noted.

**SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES  
AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

**CONTINUING EDUCATION COMMITTEE MEETING REPORT.**

Barbara Flaherty reported on the Continuing Education Committee meeting. Issues discussed were:

1. Licensees will be required to complete 6 hours of continuing education in safety, sanitation and infectious control every two years as a condition of renewing their license.
2. New licensees would be exempt from continuing education in the renewal period and for two years after receiving their license.
3. Checking with National Organizations to see which programs they certify for continuing education. National organizations could approve CE courses without the instructors coming before the Board for approval.
4. Administration in keeping track of CE credits.
5. How to find qualified instructors that would offer courses for 6 hours of CE in sanitation.
6. Providers of continuing education keep a record of attendance for six years.
7. How to certifying instructors and courses needs further discussion.
8. Who will approve CE courses?
9. Setting guidelines for the CE curriculum.
10. What CE courses does the UW Madison offer?
11. Home study courses, internet courses and checking on how these courses meet the required criteria.
12. Request a scope statement be drafted to create rules for continuing education.
13. 6 hours of CE in sanitation will include safety, sanitation and infectious control.
14. CE courses could be taken at private schools, public schools or any other school that have been approved.

**MOTION:** Denise Svetly moved, seconded by Marvile Martin, to request that staff draft a scope statement to create rules for continuing education. Lee Martinez abstained. Motion carried.

### **TRAVEL**

#### **THE INTERNATIONAL ESTHETICS, COSMETICS AND SPA CONFERENCE MAY 1-3, 2004 AT LAS VEGAS, NV.**

Board members will not be attending the IECS meeting in May, 2004 at Las Vegas. The Board would rather attend the Annual NIC or National Association Meetings.

#### **ALTERNATING BETWEEN NATIONAL ASSOCIATION OF BARBER BOARDS OF AMERICA AND NIC CONFERENCE NEXT YEAR.**

Laura Jenkins suggested that the Barbering and Cosmetology Board members alternate between the National Association of Barber Boards of America and the NIC Conference next year.

**MOTION:** Laura Jenkins moved, seconded by Denise Svetly, to alternate every other year between the National Association of Barber Boards of America and the NIC Conference. Motion carried unanimously.

**ADMINISTRATIVE RULES  
BC 1-BC 10 NEW RULES EFFECTIVE OCTOBER, 2003.**

John Schweitzer reported on the new rules and pointed out the new changes the Board made to BC 1-10. Mr. Schweitzer requested that the Board review the changes regarding managers renting a booth.

**AUTHORIZE SCOPE STATEMENT TO INITIATE RULE CHANGES  
JOHN SCHWEITZER**

**MOTION:** Laura Jenkins moved, seconded by Marvile Martin, that John Schweitzer develops a scope statement to initiate general review of the rules BC-1-10. Motion carried unanimously.

**LEGISLATION  
DRAFT LANGUAGE -454.06 – BOARD AUTHORITY TO CONSIDER APPLICANTS  
CRIMINAL BACKGROUND**

John Schweitzer reported on the draft language to 454.06 to begin the statute change process on convictions other than felonies committed while engaged in the practice.

**DRAFT LANGUAGE 454.01 - BOARD AUTHORITY REGARDING WAXING**

Corrections were required in the draft under definition of “Electrology”

**EXAMINATION AND EDUCATION  
THEORY AND PRACTICUM HOURS – REQUEST TO LESSEN HOURS PRIOR TO  
EXAM LETTER FROM CYNTHIA WALSH.**

The Board reviewed and discussed the request from Cynthia Walsh to lesson the Theory and Practicum Hour requirement prior to taking the examination. The Board agreed they would not make any changes to Stats. 454.10(2).

**MOTION:** Denise Svetly moved, seconded by Janice Boeck, that John Schweitzer respond to Cynthia Walsh that the Board is not prepared to make a statute change at this time. Motion carried unanimously.

**TRANSLATOR REQUEST FORM AND INFORMATION – DARWIN TICHENOR**

Darwin Tichenor reported on translator issues. The Board reviewed the translator policy and Translator Request Form. Translators will need prior approval from the Department prior to the exam. The cost of a translator is the applicant’s responsibility. The Department will keep

information on approved translators for candidates who are unable to locate a translator on their own.

**MOTION:** Lee Martinez moved, seconded by Marvile Martin, to approve the Translator Request Form presented by Darwin Tichenor. Motion carried unanimously.

### **NON PRACTICING EXAMINERS (15) - CONTINENTAL TESTING QUALIFICATIONS OF EXAMINERS – DARWIN TICHENOR**

Darwin Tichenor distributed information on examiners that are actively practicing in the field of barbering and cosmetology. There are 56 actively practicing examiners. Fifteen examiners are not currently active in the field. Mr. Tichenor asked the Board how they would like to handle the examiners that are not currently active in the field. Any active practicing Barber and Cosmetologist can apply to be an examiner through Darwin Tichenor at the Exam Office. Bilingual examiners are welcome as long as they are active in the field. The Board requires that future examiners be actively practicing in the field. Active instructors are not allowed to be an examiner. The Board will discuss this further at the February 2004 meeting.

### **NINE CANDIDATES EXAM SCORES AND TRANSLATOR ISSUES – UPDATE BARB SHOWERS**

This investigation is on-going. Nine candidates were offered the opportunity to retake the exam free of charge. Only one candidate has responded. Results of this investigation will be reported at a later date.

### **LEARNING THE ART OF DOING BUSINESS – FEDERAL TAXATION CURRICULUM – BRUCE BENNETT**

Bruce Bennett reported on the publication on “Cosmetology, Learning the Art of Doing Business - Federal Taxation Curriculum for Cosmetology Students”. The Board would like all schools and salons to have a copy of this curriculum. The Department will publish an article in the Regulatory Digest Newsletter informing schools and other interested parties where they can receive a copy of the “Cosmetology, Learning the Art of Doing Business - Federal Taxation Curriculum for Cosmetology Students”, developed by the Internal Revenue Service. This publication can be obtained on the IRS (Internal Revenue Service) web-site [www.irs.gov](http://www.irs.gov) . Search Forms and Publications for 4143.

### **CREDENTIALING**

None.

**PRACTICE ISSUES  
ON-SITE MANAGERS IN CHAIN SALONS BC 3.02 (1)(B)**

John Schweitzer reported on the rule change regarding on-site managers in chain salons BC 3.02 (1)(b). A manager should be on-site at least 30 hours a week to oversee operators but does not have to be there every hour of the day. If they are managing two separate establishments they must be at each one for 30 hours during a week. If an apprentice is working without a manager on the premises a designated licensed person with 2000 hours of practice in a salon can oversee the apprentice.

The Board requests that BC 3.02 be rewritten, keeping the intent but clarify language to more clearly understand full time managers in every salon and managers of apprentices.

One full-time manager can manage 15 chain stores, but must be on the premises of one establishment for 30 hours in a week.

**MOTION:** Laura Jenkins moved, seconded by Denise Svetly, that the state requires each salon have a licensed manager on-site with future stipulations to be added. Motion carried unanimously.

**DIVISION OF ENFORCEMENT  
FORFEITURE GRID - UPDATE – CANDY BLOEDOW**

Candy Bloedow reported on the forfeiture grid. The updated forfeiture grid is being folded into the Boards citation process. Ms. Bloedow suggested that the Board incorporate the Administrative Warning procedure in regards to discipline for first-time offenders when reviewing the rules. Incorporating the Administrative Warning into the rules will revamp the forfeiture grid. Leon Lauer thanked the Division of Enforcement for their work on the forfeiture grid.

**LEGAL COUNSEL REVIEW**

None.

**NEW BUSINESS**

Denise Svetly will be attending an electrology meeting this Spring. Ms. Svetly asked for permission to take 50 Wisconsin Statutes and Administrative Code Books to this meeting in April to sell. Ms. Svetly will bring the funds back to the Department.

**BOARD MEMBER ACTIVITY**

Bruce Bennett reported that he will be attending a meeting in Orlando Florida. Other Board members reported on personal activities they were involved in.

**MISCELLANEOUS CORRESPONDENCE AND INFORMATION**

None.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT**

Spa Nails, Inc, d/b/a Spa Nails 02 BAC 131  
Linda C. Mills, Hair Raisers 02 BAC 089  
Thanh Nguyen d/b/a Golden Nails 02 BAC 124

**VISITORS COMMENTS**

Visitors commented on inactive examiners conducting examinations, and questioned the qualifications of examiners who have been out of school for 20 years and are not current on new technology.

Visitors also participated in the discussion regarding on-site managers.

**CLOSED SESSION**

**MOTION:** Laura Jenkins moved, seconded by Marvile Martin, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Mary Blake-yes, Laura Jenkins-yes, Leon Lauer-yes, Lee Martinez-yes, Denise Svetly-yes, Bruce Bennett-yes, Marvile Martin-yes, Janice Boeck-yes.

Open session recessed at 11:50 a.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports.

**RECONVENE INTO OPEN SESSION**

**MOTION:** Marvile Martin moved, seconded by Bruce Bennett, to reconvene into open session at 12:00 noon. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

## MONITORING REPORT

None.

### CASE CLOSINGS

**MOTION:** Bruce Bennett moved, seconded by Denise Svetly, to close the following cases:  
**01 BAC 109** for insufficient evidence for Lahners  
**02 BAC 119** for insufficient evidence.  
**03 BAC 039** for prosecutorial discretion (P1).  
Motion carried unanimously.

### STIPULATIONS

#### **SPA NAILS, INC, D/B/A SPA NAILS 02 BAC 131**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning SPA Nails, Inc., d/b/a Spa Nails 02 BAC 131. Motion carried unanimously.

#### **LINDA C. MILLS, HAIR RAISERS 02 BAC 089**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Linda C. Mills, Hair Raisers 02 BAC 089. Motion carried unanimously.

#### **THANH NGUYEN D/B/A GOLDEN NAILS 02 BAC 124**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Thanh Nguyen d/b/a Golden Nails 02 BAC 124. Motion carried unanimously.

**MOTION:** Bruce Bennett moved, seconded by Laura Jenkins to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation for all stipulations presented in closed session. Motion carried unanimously.

### **EXAMINATION ISSUES APPLICATIONS REINSTATEMENT REQUESTS NEW BUSINESS**

None.



**ADJOURNMENT**

**MOTION:** Bruce Bennett moved, seconded by Marvile Martin, to adjourn the meeting at 12:08 p.m. Motion carried unanimously.

**NEXT MEETING: FEBRUARY 2, 2004**

**NEXT MEETING AGENDA ITEMS**

Approve Scope Statement BC 3

Reciprocal Language – Bruce Bennett